

House Study Bill 30 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act enhancing the criminal penalty for an assault on an
2 operator of a motor vehicle providing transit services as
3 part of a public transit system, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.3A, Code 2015, is amended to read as
2 follows:

3 **708.3A Assaults on ~~persons engaged in certain~~ members of**
4 **protected occupations.**

5 1. A person who commits an assault, as defined in section
6 708.1, against a ~~peace officer, jailer, correctional staff,~~
7 ~~member or employee of the board of parole, health care~~
8 ~~provider, employee of the department of human services,~~
9 ~~employee of the department of revenue, or fire fighter, whether~~
10 ~~paid or volunteer~~ member of a protected occupation, with the
11 knowledge that the person against whom the assault is committed
12 is a ~~peace officer, jailer, correctional staff, member or~~
13 ~~employee of the board of parole, health care provider, employee~~
14 ~~of the department of human services, employee of the department~~
15 ~~of revenue, or fire fighter and~~ member of a protected
16 occupation, is guilty of the following:

17 a. If the person commits the assault with the intent to
18 inflict a serious injury upon the ~~peace officer, jailer,~~
19 ~~correctional staff, member or employee of the board of parole,~~
20 ~~health care provider, employee of the department of human~~
21 ~~services, employee of the department of revenue, or fire~~
22 ~~fighter, is guilty of~~ member of a protected occupation, a class
23 "D" felony.

24 ~~2. b. A~~ If the person who commits an ~~the~~ assault, as
25 ~~defined in section 708.1, against a peace officer, jailer,~~
26 ~~correctional staff, member or employee of the board of parole,~~
27 ~~health care provider, employee of the department of human~~
28 ~~services, employee of the department of revenue, or fire~~
29 ~~fighter, whether paid or volunteer, who knows that the person~~
30 ~~against whom the assault is committed is a peace officer,~~
31 ~~jailer, correctional staff, member or employee of the board~~
32 ~~of parole, health care provider, employee of the department~~
33 ~~of human services, employee of the department of revenue, or~~
34 ~~fire fighter and who uses or displays a dangerous weapon in~~
35 ~~connection with the assault, is guilty of a class "D" felony.~~

1 3. c. A If the person who commits an the assault, as
2 ~~defined in section 708.1, against a peace officer, jailer,~~
3 ~~correctional staff, member or employee of the board of parole,~~
4 ~~health care provider, employee of the department of human~~
5 ~~services, employee of the department of revenue, or fire~~
6 ~~fighter, whether paid or volunteer, who knows that the person~~
7 ~~against whom the assault is committed is a peace officer,~~
8 ~~jailer, correctional staff, member or employee of the board of~~
9 ~~parole, health care provider, employee of the department of~~
10 ~~human services, employee of the department of revenue, or fire~~
11 ~~fighter, and who causes bodily injury or mental illness, is~~
12 ~~guilty of an aggravated misdemeanor.~~

13 4. d. Any If the person commits any other assault, as
14 ~~defined in section 708.1, committed against a peace officer,~~
15 ~~jailer, correctional staff, member or employee of the board~~
16 ~~of parole, health care provider, employee of the department~~
17 ~~of human services, employee of the department of revenue, or~~
18 ~~fire fighter, whether paid or volunteer, by a person who knows~~
19 ~~that the person against whom the assault is committed is a~~
20 ~~peace officer, jailer, correctional staff, member or employee~~
21 ~~of the board of parole, health care provider, employee of the~~
22 ~~department of human services, employee of the department of~~
23 ~~revenue, or fire fighter, is a serious misdemeanor.~~

24 5. 2. As used in this section, the following definitions
25 apply:

26 a. "*Correctional staff*" means a person who is not a peace
27 officer but who is employed by the department of corrections
28 or a judicial district department of correctional services
29 to work at or in a correctional institution, community-based
30 correctional facility, or an institution under the management
31 of the Iowa department of corrections which is used for the
32 purposes of confinement of persons who have committed public
33 offenses.

34 b. "*Employee of the department of human services*" means a
35 person who is an employee of an institution controlled by the

1 director of human services that is listed in section 218.1,
2 or who is an employee of the civil commitment unit for sex
3 offenders operated by the department of human services. A
4 person who commits an assault under this section against an
5 employee of the department of human services at a department of
6 human services institution or unit is presumed to know that the
7 person against whom the assault is committed is an employee of
8 the department of human services.

9 *c. "Employee of the department of revenue"* means a person
10 who is employed as an auditor, agent, tax collector, or any
11 contractor or representative acting in the same capacity. The
12 employee, contractor, or representative shall maintain current
13 identification indicating that the person is an employee,
14 contractor, or representative of the department.

15 *d. "Health care provider"* means an emergency medical care
16 provider as defined in chapter 147A or a person licensed
17 or registered under chapter 148, 148C, 148D, or 152 who is
18 providing or who is attempting to provide emergency medical
19 services, as defined in section 147A.1, or who is providing
20 or who is attempting to provide health services as defined
21 in section 135.61 in a hospital. A person who commits an
22 assault under this section against a health care provider in
23 a hospital, or at the scene or during out-of-hospital patient
24 transportation in an ambulance, is presumed to know that the
25 person against whom the assault is committed is a health care
26 provider.

27 *e. "Jailer"* means a person who is employed by a county or
28 other political subdivision of the state to work at a county
29 jail or other facility used for purposes of the confinement of
30 persons who have committed public offenses, but who is not a
31 peace officer.

32 *f. "Member of a protected occupation"* means any of the
33 following:

34 (1) A peace officer, jailer, correctional staff, member or
35 employee of the board of parole, health care provider, employee

1 of the department of human services, employee of the department
2 of revenue, or fire fighter, whether paid or volunteer.

3 (2) The operator of a motor vehicle providing transit
4 services as part of a public transit system, as defined
5 in section 324A.1, while the operator is engaged in the
6 performance of the operator's official duties and is clearly
7 identifiable as the operator of a motor vehicle providing
8 transit services as part of a public transit system.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 Current law provides for enhanced criminal penalties for
13 assaults against persons engaged in certain occupations. These
14 occupations include peace officers, jailers, correctional
15 staff, members or employees of the board of parole, health
16 care providers, employees of the department of human services,
17 employees of the department of revenue, and fire fighters,
18 whether paid or volunteer.

19 The bill defines a person engaged in one of these occupations
20 as a member of a protected occupation. The bill further
21 provides that an operator of a motor vehicle providing transit
22 services as part of a public transit system is a member of a
23 protected occupation, but only while the operator is engaged
24 in the performance of the operator's official duties and
25 is clearly identifiable as the operator of a motor vehicle
26 providing transit services as part of a public transit system.
27 The bill establishes the same enhanced penalties for an assault
28 against an operator of a motor vehicle providing transit
29 services as part of a public transit system that current law
30 establishes for an assault against a member of one of the
31 existing protected occupations.

32 The bill provides that if a person assaults an operator
33 of a motor vehicle providing transit services as part of a
34 public transit system with the intent to inflict serious injury
35 or while using or displaying a dangerous weapon, that person

1 commits a class "D" felony. A class "D" felony is punishable
2 by confinement for no more than five years and a fine of
3 at least \$750 but not more than \$7,500 as provided in Code
4 section 902.9. The assault would otherwise be punishable as an
5 aggravated misdemeanor as provided in Code section 708.2.

6 The bill also provides that if a person assaults an operator
7 of a motor vehicle providing transit services as part of a
8 public transit system and causes bodily injury or mental
9 illness, that person commits an aggravated misdemeanor. An
10 aggravated misdemeanor is punishable by confinement for no more
11 than two years and a fine of at least \$625 but not more than
12 \$6,250 as provided in Code section 903.1. The assault would
13 otherwise be punishable as a serious misdemeanor as provided
14 in Code section 708.2.

15 The bill further provides that if the person commits any
16 other type of assault against an operator of a motor vehicle
17 providing transit services as part of a public transit
18 system, that person commits a serious misdemeanor. A serious
19 misdemeanor is punishable by confinement for no more than one
20 year and a fine of at least \$315 but not more than \$1,875 as
21 provided in Code section 903.1. The assault would otherwise be
22 punishable as a simple misdemeanor as provided in Code section
23 708.2.